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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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Pitbull Productions, Inc., )  
Plaintiffs, )  
)  
)  
)  
)  
v. )  
)  
Vishara Video, Inc., Vihan's Video, Inc. )  
dba Vishara Video, Vihan's Video, Inc., )  
John Does 1-10, )  
Defendants )  
)

07 civ 9898 (CM)

**CONSENT JUDGMENT**

1. Plaintiff, Pitbull Productions, Inc. ("Pitbull"), is a company organized and registered in Delaware under the laws of Delaware with a place of business at 200 East 116<sup>th</sup> Street, Suite 2N, New York, New York 10029.
2. Upon information and belief, Defendant Vishara Video, Inc. ("Vishara") is a DVD Store operating at 797 8<sup>th</sup> Ave, New York, New York 10019.

3. Upon information and belief, Defendant Vihan's Video, Inc. ("Vihan's") is a DVD Store operating at 592 W 8<sup>th</sup> Ave, New York, New York 10019. Vihan's Video, Inc. also does business as Vibara Video.

4. On November 8, 2007, Plaintiffs commenced a civil action in the United States District Court for the Southern District of New York, Index No. 07 CV 9898 (CM) ("the Federal Action"). The Federal Action is presently assigned to the Honorable Judge Colleen McMahon.

5. In the Complaint, Plaintiffs allege trademark and trade dress infringement, false designation of origin, common law trademark infringement and unfair competition, and copyright infringement.

#### TERMS

6. Defendants and those in privity with Defendants will immediately completely cease and desist forever from knowingly selling any counterfeit DVDs owned by Plaintiff Pitbull Productions, Inc., at any of Defendants locations including video stores located at 592 W 8<sup>th</sup> Ave, New York, New York 10019 and 797 8<sup>th</sup> Ave, New York, New York 10019. [REDACTED]

[REDACTED] Any sales of DVD-R's of Plaintiff's DVDs will constitute knowingly selling counterfeit DVDs as Plaintiff's do not authorize DVD-R copies of their products and only sell imaged DVD's.

7. Defendants fully warrants, agrees and covenants that upon the execution of this Agreement, Defendants will pay plaintiffs \$5,000 as a first installment to be paid by check made payable to "Meredith & Keyhani, PLLC" with the signed agreement and be mailed to Meredith & Keyhani, PLLC, 330 Madison Avenue, 6<sup>th</sup> Floor, New York, NY 10017. After the first payment of \$5,000 by check, six purchases of \$5,000 worth of Pitbull Production, Inc. goods will be made through distributor Marina Pacific and must be at the standard Marina Pacific pricing. [REDACTED]

[REDACTED] The first purchase of \$5,000 worth of Pitbull Productions, Inc. goods will occur on or before December 30, 2007 paid cash on delivery (COD), the second purchase of \$5,000 worth of Pitbull Productions, Inc. goods will occur on or before January 30, 2007 paid cash on delivery (COD), the third purchase of \$5,000 worth of Pitbull Productions, Inc. goods will occur on or before February 30, 2007 paid cash on delivery (COD), the fourth purchase of \$5,000 worth of Pitbull Productions, Inc. goods will occur on or before March 30, 2007 paid cash on delivery (COD), the fifth purchase of \$5,000 worth of Pitbull Productions, Inc. goods will occur on or before April 30, 2007 paid cash on delivery (COD), the sixth purchase of \$5,000 worth of Pitbull Productions, Inc. goods will occur on or before May 30, 2007 paid cash on delivery (COD).

9. If any payment or purchase is more than five days after the due date, the entire agreement will be null and void. Also, if the agreement is defaulted by nonpayment or non-ordering, following a ten day notice to cure, Defendants will be jointly and severally liable for Plaintiffs attorney fees in seeking payment as agreed upon by the parties.

**IT IS ORDERED, ADJUDGED AND DECREED that:**

- 1) This Court has jurisdiction over the subject matter and Plaintiffs and Defendants, and venue is proper in this Judicial District.
- 2) Defendant is alleged to have infringed the Plaintiff's trademark, trade dress, copyright by selling and/or offering for counterfeit DVDs.
- 3) Defendants will pay Plaintiff the sum of \$5,000 as damages for infringement of the Plaintiff's trademark, trade dress and copyrights and [REDACTED] purchase \$30,000 worth of Plaintiff's goods. This will be paid \$5,000 by check upfront with the signed agreement and [REDACTED] \$30,000 worth of goods over six months. The check for damages shall be made payable to Meredith & Keyhani, PLLC.
- 4) Defendants and those in privity with are permanently enjoined and restrained from infringing, or inducing the infringement of plaintiff's trademarks, trade dress and copyrights and constituting false designation of origin and unfair competition by selling, and/or offering for sale counterfeit DVDs.
- 5) Defendant is released from liability for all activities prior to the entry of this agreement and related to this action including activities constituting infringement of the plaintiff's trademarks, trade dress and copyrights that predate the entry of this Judgment.
- 6) This action is dismissed with prejudice, with Plaintiff and Defendants each bearing their own costs and attorney fees.
- 7) The Court shall retain continuing jurisdiction over this action for the purpose of enforcing the terms of this Consent Judgment and the Settlement between the parties.

December 10  
Dated: November \_\_\_\_\_, 2007

  
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New York, New York 10017  
Attorneys for Plaintiff

*December*  
Dated: November \_\_\_\_\_, 2007

*M. Cheker*

Vishara Video, Inc.  
797 8<sup>th</sup> Ave  
New York, New York 10019

*December 3*  
Dated: November \_\_\_\_\_, 2007

*M. Cheker*

Vihan's Video, Inc.  
592 W 8<sup>th</sup> Ave  
New York, New York 10019

Dated: November \_\_\_\_\_, 2007

*12/17/07*

*Allen N. Walker*

U.S. DISTRICT COURT JUDGE